

REMARKS

Claims 1-20 are pending in the application. Claims 1-20 have been rejected. Claims 1-3, 5-7, 9-11, 13, and 15-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,146,640 issued to Goodman et al. Claims 8 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Goodman. Applicants have amended Claims 7 and 13 to address the informality raised by the Examiner. Applicants respectfully traverse.

An additional information disclosure statement is filed herewith to address the item “AC” in compliance with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609.

The Examiner’s objection to Claims 4 and 12 have no basis when Claims 4 and 12 are read in light of Applicants’ written description. Applicants respectfully request that the Examiner withdraw the objections to Claims 4 and 12.

Claims 1-9 and 19-20 stand rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. Applicants respectfully traverse. The elements recited by Claim 1 perform the requisite transformation when operating on an information handling system, as recited by Claim 1 and presented by Applicants’ written description.

Claims 3-4 and 12 stand rejected under 35 U.S.C. § 112 as being indefinite. The Examiner’s rejections to Claims 3-4 and 12 have no basis when Claims 3-4 and 12 are read in light of Applicants’ written description. Applicants respectfully request that the Examiner withdraw the objections to Claims 3-4 and 12.

Goodman discloses an intrusion security system that uses separate operating systems to run an information handling system.

Claim 1 recites, in part, “an overwrite engine operable to write the packaged update files over the corresponding operating system files.”

Claim 10 recites, in part, “extracting an update file from an operating system update.”

Claim 19 recites, in part, “an update package supported by the alternative operating system, the update package having one or more update files for integration with the operating system, the update files having a file and directory structure aligned to replace corresponding files in the operating system.”

Goodman cannot anticipate Claims 1, 10 and 19 because Goodman fails to teach, disclose or suggest all elements recited by Claims 1, 10 and 19. For example, Goodman fails to teach, disclose or suggest “” as recited by Claim 1; “an overwrite engine operable to write the packaged update files over the corresponding operating system files” as recited by Claim 10; or “the update package having one or more update files for integration with the operating system, the update files having a file and directory structure aligned to replace corresponding files in the operating system” as recited by Claim 19. The Examiner’s rejection references Table II of Goodman which lists software requirements for the secondary operating system environment and does not address the recited process and system which relate to updates of a primary operating system while the primary operating system is not operational. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections based on Goodman and allow all pending claims.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned.

The Commissioner is authorized to deduct any additional fees which may be necessary and to credit any overpayment to Deposit Account No. 502264.

I hereby certify that this correspondence is being electronically submitted to the COMMISSIONER FOR PATENTS via EFS on July 3, 2007.

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Respectfully submitted,

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